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SERIAL NUMBER	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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06/094,895 07/22/93 NAGANO

M 35-C9371

EXAMINER

DAY, JR

E6M1/0411
FITZPATRICK, CELLA, HARPER & SCINTO
277 PARK AVENUE
NEW YORK, N.Y. 10172

ART UNIT

PAPER NUMBER

2613

DATE MAILED:
04/11/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

BEST AVAILABLE COPY

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-45 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims _____ are rejected.

5. Claims _____ are objected to.

6. Claims 1-45 are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____ has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-34 and 42-46, drawn to cameras, classified in Class 348, subclass 207.

II. Claims 35-41, drawn to optical shutters, classified in Class 250, subclass 229.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because only a single material element is required recited for invention I in contrast to a plurality of material elements as recited in invention II. The subcombination has separate utility, such as, an electro-optical shutter for use in a laser system.

Because these inventions are distinct for the reasons given above, and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

This application contains a large plurality of distinct species corresponding to the 24 embodiments. Some of the

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patentably distinct species of the claimed invention include: cameras; video cameras; video cameras with correction means; video cameras with exposure amount adjustment means; video cameras with correction means, wherein correction means is achieved by auto white-balance control; video cameras with correction means, wherein correction means is achieved by changing a sensitivity of said photoconversion means; video cameras with correction means, wherein correction means is achieved by a filter; video cameras with exposure amount adjustment means, wherein said exposure amount adjustment means adjust the light transmission factor of said material element; video cameras with exposure amount adjustment means, wherein said exposure amount adjustment means electrically adjust the light transmission factor of said material element; etc.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species and indicate corresponding claim numbers and figures for prosecution on the merits to which the claims shall be restricted, if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the

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limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Day whose telephone number is (703) 308-6726.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4945.



JOSEPH MANCUSO
PATENT EXAMINER
ART UNIT 266